

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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O R 152330Z OCT 75
FM AMEMBASSY QUITO
TO SECSTATE WASHDC IMMEDIATE 7624
INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 7631

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E.O. 11652: GDS
TAGS: PLOS PFOR EFIS EC US
SUBJECT: EASTERN PACIFIC FISHERIES INITIATIVE: DISCUSSION OF
SUGGESTIONS WITH ECUADOREAN MINISTRY OF FOREIGN AFFAIRS

REF: A) QUITO 7630 B.) STATE 243263 C) QUITO 7523
D) STATE 238573 E) QUITO 6883

1. BEGIN SUMMARY: I PRESENTED USG PROPOSALS FOR USG AND GOE ACTIONS TO AVOID PROBLEMS DURING COMING TUNA SEASON TO FOREIGN MINISTRY ON OCTOBER 14. THE REACTION WAS EXTREMELY POSITIVE BUT COUPLED WITH REPEATED REMINDERS THAT ANY ACTIONS IMPLEMENTED BY GOE MUST BE TAKEN SPONTANEOUSLY AND WITHOUT THE SLIGHTEST HINT OF A QUID PRO QUO AGREEMENT WITH THE US. I THEREFORE STATED USG WOULD CARRY OUT ITS PROPOSED ACTIONS WITHOUT REGARD TO GOE ACTIONS. I POINTED OUT THAT THE SUBJECT WAS ALSO ONE OF DELICACY TO THE USG AND THAT WE COULD NOT OFFICIALY ASK OUR FISHERMEN TO PURCHASE ECUADOREAN LICENSES. THE MFA OFFICIALS PLEDGED THEMSELVES TO SEEK REMOVAL OF THE 600 NRT LIMITATION AND TO TRY TO OBTAIN A REDUCTION IN THE COST OF MATRICULAS. THE ADVISORY/WARNING PROPOSAL WAS REJECTED BY TWO OF THE THREE MFA OFFICIALS AS BEING IN CONTRAVENTION TO ECUADOREAN LAWS, BUT TOLERANCE BY THE ECUADOREAN NAVY IN EXECUTING ECUADOREAN LAW WAS MENTIONED CHARILY AS A POSSIBILITY. THE OFFICIALS ENDORSED MY DISCUSSING THE MATTER
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WITH ADMIRAL POVEDA AND COUNSELED ME ON THE CONTENT OF THE

APPROACH. THE MFA CLEARLY PERCEIVES A MUTUALITY OF USG-GOE INTERESTS IN AVOIDING PROBLEMS DURING THE COMING TUNA SEASON, AND APPEARS SERIOUSLY DEDICATED TO WORKING TOWARD THIS END WITHIN THEIR PERCEIVED POLITICAL PARAMETERS. THERE IS OF COURSE NO ASSURANCE THAT WE WILL NOT HAVE A REPEAT OF LAST YEAR'S PROBLEMS, BUT THE ATMOSPHERE AND THE ATTEMPTS TO FIND WAYS TO PREVENT PROBLEMS ARE CURRENTLY MUCH BETTER THAN THEY HAVE BEEN DURING RECENT YEARS. END SUMMARY.

2. THE DCM, POLCOUNS, AND I MET OVER LUNCHEON WITH MINISTRY OF FOREIGN AFFAIRS' LOS SPECIALISTS ON OCTOBER 14 FOR TWO AND A HALF HOURS TO DISCUSS AND GET THEIR REACTION TO USG PROPOSALS TO AVOID PROBLEMS DURING THE COMING TUNA SEASON. AMBASSADOR RAFAEL GARCIA VELASCO, THE LEGAL ADVISOR, AMBASSADOR TEODORO BUSTAMANTE, THE ADVISOR ON TERRITORIAL SOVEREIGNTY, AND MINISTER JOSE AYALA, THE DIRECTOR GENERAL FOR TERRITORIAL SOVEREIGNTY, REPRESENTED THE MINISTRY OF FOREIGN AFFAIRS.

3. THE POLCOUNS AND I PRESENTED PROPOSALS FOR USG ACTIONS AND POSSIBLE GOE ACTIONS FOR CONSIDERATION OF THE GOE, USING AN EXPANDED TALKING POINTS PAPER TO ENSURE THAT PROPOSALS WERE PUT FORTH PRECISELY AND IN ACCORDANCE WITH DEPARTMENT'S INSTRUCTIONS. (WE EXERCISED THE OPTION GIVEN US BY THE DEPARTMENT NOT TO PRESENT THE POINTS ON THE 40 MILE LIMIT NOR THE IDEA THAT THE ECUADOREAN NAVY WOULD PERMIT BOATS CAUGHT WITHOUT A LICENSE MERELY TO COLLECT THEIR NETS AND DEPART ECUADOREAN CLAIMED WATERS.) ALL POINTS WERE PRESENTED AS PROPOSALS OF THE USG, WITH THE EXCEPTION OF THE ADVISORY/WARNING SYSTEM PROPOSING THAT THE GOE PERMIT AMERICAN FISHING BOATS ENCOUNTERED IN ECUADOREAN CLAIMED WATERS WITHOUT AN ECUADOREAN LICENSE TO PURCHASE A LICENSE, AND THUS AVOID SEIZURES WITH ALL THE CONSEQUENT PROBLEMS. THIS I PRESENTED AS A PERSONAL SUGGESTION.

4. THE ECUADOREANS FIRST RESPONSE WAS AN EXPRESSION OF SATISFACTION AT THIS POSITIVE AND SERIOUS EFFORT OF THE USG ON THIS POLITICALLY SENSITIVE MATTER TO THE GOE, AND A DECLARATION BY THEM TO TRY TO BE EQUALLY FORTHCOMING ON THE ECUADOREAN SIDE. AFFIRMATION WAS THEN SOUGHT THAT THE PROPOSALS WERE NOT MADE AS A QUID PRO QUO ARRANGEMENT (IN SPITE OF MY ALREDY CONFIDENTIAL

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HAVING SAID THEY WERE NOT), AND REFERENCES WERE MADE TO THE DIRE CONSEQUENCES FOR PAST ECUADOREAN GOVERNMENTS THAT HAD ENTERED INTO MODUS VIVENDI AGREEMENTS ON THIS SUBJECT.

5. THE ECUADOREANS IMMEDIATE INQUIRED IF THE ACTIONS I HAD STATED THE USG MAY REPEAT MAY PUT INTO EFFECT WOULD BE IMPLEMENTED REGARDLESS OF WHAT THE GOE DETERMINED IT COULD DO. I REPLIED THAT THEY WOULD BE. I ALSO POINTED OUT

THAT THIS WHOLE SUBJECT WAS A VERY DELICATE ONE IN THE US
AS WELL AS IN ECUADOR, AND THAT THE USG COULD NOT OFFICIALLY
ASK OUR FISHERMEN TO PURCHASE ECUADOREAN LICENSES.

6. THE ECUADOREANS REITERATED THEIR COMMITMENT TO TRY TO BE
FORTHCOMING, BUT EMPHASIZED STRONGLY THAT ANY ACTIONS BY
THE GOE WOULD OF NECESSITY BE "SPONTANEOUS" ONES WITH NO
CONNECTION TO THE USG PROPOSALS, EACH PROPOSAL FOR GOE
ACTION WAS, HOWEVER, DISCUSSED AND EXAMINED IN DETAIL.

7. REGARDING THE US PROPOSAL FOR DISCUSSION WITH THE TUNA INDUSTRY,
THE MFA REPRESENTATIVES STRESSED THAT IN CONVERSATIONS WITH US
TUNA INDUSTRY CARE BE TAKEN NOT TO LEAVE THE IMPRESSION THAT
ANY SECRET ARRANGEMENT HAD BEEN ENTERED INTO WITH THE GOE
ON THIS SUBJECT. CONCERN WAS ALSO EXPRESSED ABOUT THE
ECUADOREAN TUNA INDUSTRY'S ACCESS TO THE US MARKET AND FEAR
THAT MEASURES MIGHT BE IN TRAIN THAT WOULD RESTRICT EXPORTS
OF ECUADOREAN TUNA TO THE U.S. A SEPARATE CABLE IS BEING
SENT REGARDING THIS.

8. WITH RESPECT TO PROPOSALS FOR CONSIDERATION FOR GOE ACTION,
THE ECUADOREANS PLEDGED THEMSELVES TO SEEK A SPONTANEOUS
CHANGE IN THE 600 NRT LIMITATION. THEY BELIEVED THIS FEASIBLE
BECAUSE THE LIMITATION WAS NOT SET BY LEGISLATION, ALTHOUGH
THEY CONVERSED CONSIDERABLY AMONG THEMSELVES ABOUT THE RATIONALE

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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FM AMEMBASSY QUITO
TO SECSTATE WASHDC IMMEDIATE 7625
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C O N F I D E N T I A L SECTION 2 OF 2 QUITO 7631

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THAT MIGHT BE USED WITHIN THE GOE FOR THIS ACTION.
ONE OF THEM MENTIONED THAT THE LIMIT MIGHT BE RAISED
TO 800 NRT.

9. THE MFA OFFICIALS DID NOT BELIEVE IT POSSIBLE TO DO AWAY
WITH THE MATRICULA REQUIREMENT BECAUSE OF ITS INCLUSION IN
LEGISLATION; NOR WERE THEY WILLING TO GRANT THAT THE
MATRICULA COULD BE PURCHASED BY RADIO. AFTER LENGTHY
DISCUSSION, HOWEVER, THEY DID AGREE TO TRY TO REDUCE THE COST
OF THE MATRICULA--AS AN INCENTIVE TO US FISHERMEN TO BUY
MATRICULAS AND ECUADOREAN FISHING LICENSES. THEY WERE NOT
WILLING TO DISCUSS REDUCTION OF THE COST OF THE LICENSES.

10. THE INTERCHANGE ON THE ADVISORY/WARNING SYSTEM WAS LENGTHY,
AND A DIFFICULT ONE FOR THE ECUADOREANS. THERE WAS
CONTROVERSY AMONG THE THREE, BUT ALL CLEARLY CONSIDERED THAT WHAT
WAS BEING ASKED OF THE GOE WAS NOT TO ENFORCE ITS LAWS. THEY DID
NEVERTHELESS ADMIT TO THE POSSIBILITY OF SEEKING TOLERANCE
BY THE ECUADOREAN NAVY IN APPLYING THE LAW, BUT EXPRESSED
DOUBTS ABOUT THE ECUADOREAN NAVY BEING WILLING TO DO SO.

11. I ASKED ABOUT MY RAISING THE SUBJECT WITH ADMIRAL
POVEDA AND GOT A VERY POSITIVE REACTION TO THIS SUGGESTION.
THIS DERIVES NO DOUBT FROM THE OLD CIVILIAN-MILITARY SPLIT
AND MFA'S CONCERN ABOUT ITS OWN ABILITY TO INFLUENCE THE
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NAVY.

12. WE HAD PREPARED A BRIEF TALKING POINTS PAPER TO GIVE
TO THE ECUADOREANS WHICH CONTAINED A BACKGROUND STATEMENT,
PROPOSALS THE USG MAY IMPLEMENT, AND PROPOSED GOE
ACTIONS FOR GOE CONSIDERATION. IN THE LAST CATEGORY WE HAD
INCLUDED ONLY THE POINTS ON THE 600 NRT LIMITATION AND THE
POSSIBILITY OF INTRODUCING A PROCEDURE TO ALLOW PURCHASE OF
MATRICULAS BY RADIO. THE ADVISORY WARNING/SYSTEM AND THE
SUGGESTION THAT THE GOE REDUCE FEES FOR EARLY PURCHASERS
WAS OMITTED AS BEING TOO SENSITIVE TO BE REDUCED TO WRITING.

13. THE ECUADOREANS REQUESTED THAT WE REVISE THE PAPER TO
ENABLE THEM TO USE IT WITHIN THE GOE TO BETTER ATTAIN
COMMITMENT TO EFFECT CHANGES THAT WOULD HELP TO LESSEN
CHANCES FOR INCIDENTS THIS COMING TUNA SEASON. CONSISTENT
WITH THEIR REPEATED ASSERTION THAT ANY ACTIONS OF THE GOE
MUST BE TAKEN IN AN ENTIRELY SPONTANEOUS MANNER, WE WITH-
DREW THE PAPER, REMOVED FROM IT SPECIFIC PROPOSALS FOR GOE
ACTION, AND INSERTED A PARAGRAPH ASKING ONLY THAT THE GOE
CONSIDER ADOPTION OF MEASURES WHICH COULD CONTRIBUTE TO
AN ENVIRONMENT THAT MIGHT ENABLE OUR TWO COUNTRIES TO
AVOID PROBLEMS SIMILAR TO THOSE THAT HAVE OCCURRED IN PAST

YEARS DURING THIS TUNA FISHING SEASON. THE REVISED VERSION IN BOTH ENGLISH AND SPANISH WAS GIVEN TO MFA THE SAME DAY, THE ENGLISH TEXT OF WHICH IS CONTAINED IN REF A.

14. I HAVE AN APPOINTMENT WITH ADMIRAL POVEDA OCTOBER 20, AND IN ACCORD WITH MY TALKS WITH MFA WILL NOT DISCUSS THE "SPONTANEOUS" MEASURES MFA WILL SPONSOR. MY EMPHASIS WILL BE ON THE ADVISORY/WARNING SYSTEM AND A TOLERANT ATTITUDE ON THE PART OF THE CUADOREAN NAVY DURING THE COMING SEASON. (THE ADMIRAL, BY THE WAY, TOLD ME ON OCTOBER 12 THAT WE HAD TO FIND SOME WAY TO GET OVER THIS COMING SEASON.) I WILL ALSO SEEK TO ENLIST HIS SUPPORT IN BRINGING ALONG THE SUB-SECRETARIAT OF FISHERIES WHICH IS HEADED BY A NAVAL OFFICER.

15. COMMENT: THE RECPTIVITY OF THE MFA OFFICIALS TO OUR PROPOSALS AND THEIR COMMITMENT TO WORK DILIGENTLY TO REMOVE THE 600 NRT LIMITATION AND TO REDUCE THE MATRICULA FEE EXCEEDED MY EXPECTATIONS FOR THE TALKS. MFA CLEARLY
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PERCEIVES A MUTUALITY OF USG-GOE INTERESTS IN AVOIDING PROBLEMS THIS COMING TUNA SEASON AND APPEARS SERIOUSLY DEDICATED TO WORKING TOWARD THIS END WITHIN THEIR PERCEIVED POLITICAL PARAMETERS.

16. THE OFFICIALS' GREAT SENSITIVITY TO THEIR OWN JURIDICAL POSITION, LAWS, AND THE NECESSITY TO AVOID ANY ACTIONS THAT MIGHT LEAVE AN IMPRESSION OF A SECRET AGREEMENT OR QUID PRO QUO ARRANGEMENT WAS APPARENT THROUGHOUT THE DISCUSSIONS. I BELIEVE THAT IT WOULD BE UNREALISTIC TO EXPECT AN ARTICULATED INTENT TO IMPLEMENT AN ADVISORY/WARNING SYSTEM IN A WAY THAT ECUADOREANS WOULD REGARD AS VIOLATING ECUADOREAN LAW, BUT AM HOPEFUL THAT MFA WILL SEEK GREAT TOLERANCE IN APPLICATION OF THE LAW BY THE ECUADOREAN NAVY DURING THE COMING SEASON. I WILL DO MY BEST TO HELP THEM IN THIS WHEN I MEET WITH ADMIRAL POVEDA.

17. MY STATEMENT THAT THE USG WOULD IMPLEMENT THE PROPOSED USG ACTIONS REGARDLESS OF WHAT THE GOE DOES WAS PREDICATED ON THE BELIEF THAT WE SHOULD AND CAN TAKE SUCH STEPS WITHOUT COST TO OUR INTERESTS. WITHOUT SUCH A POSITION AND THE MODIFICATION OF THE WRITTEN TALKING PAPER WHICH WE PROVIDED, I DO NOT BELIEVE THAT MFA'S RESPONSE AFD COMMITMENT TO WORK DILIGENTLY FOR GOE CHANGES TO AVOID PROBLEMS THIS COMING SEASON WOULD HAVE BEEN FORTHCOMING.

18. THERE IS NO ASSURANCE THAT WE WILL NOT HAVE A REPEAT OF LAST YEAR'S INCIDENTS, BUT THE ATMOSPHERE AND THE ATTEMPTS TO FIND WAYS TO PREVENT PROBLEMS ARE CURRENTLY

MUCH BETTER THAN THEY HAVE BEEN IN RECENT YEARS.

19. ACTION REQUESTED:

A. PLEASE PROVIDE AS EARLY AS POSSIBLE THE COMMUNICATION THE DEPARTMENT IS PREPARING TO TUNA BOAT AND CANNERS ASSOCIATION TO UNION DEALERS AND KEY CONGRESSIONAL FIGURES REGARDING US GOVERNMENT POSITION ON PURCHASE OF LICENSES.

B. INFORM EMBASSY IF ANY US FISHING VESSELS EXCEED 800 NRT IN SIZE. WE DO NOT WANT THE ECUADOREANS TO RAISE
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THE LIMIT ONLY TO 800 IF THIS IS NOT SUFFICIENT.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, FISHING AGREEMENTS, NEGOTIATIONS, FISHING REGULATIONS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 OCT 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975QUITO07631
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750358-0400
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751051/aaaabthp.tel
Line Count: 297
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: 75 QUITO 7630, 75 QUITO 7523
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 09 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 SEP 2003 by SmithRJ>; APPROVED <06 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EASTERN PACIFIC FISHERIES INITIATIVE: DISCUSSION OF SUGGESTIONS WITH ECUADOREAN MINISTRY OF FOREIGN AFFAIRS
TAGS: PLOS, PFOR, EFIS, EC, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006